

June 9, 2017

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

**RE: MB Docket No. 17-91 - Petition for Preemption of Article 52 of the San Francisco Police Code Filed by the Multifamily Broadband Council and Comments filed by the National Multifamily Housing Council**

Dear Ms. Dortch:

The undersigned multifamily apartment companies, representing more than 1.2 million apartment units and a significant percentage of the nation's rental housing industry involved in making homes available to millions of residents, write in strong support of the Petition for Preemption filed by the Multifamily Broadband Council (MBC) and the subsequent comments of the National Multifamily Housing Council (NMHC). Respectfully, we urge the Commission to grant the MBC Petition because Article 52 of the San Francisco Police Code conflicts with federal law, will create obstacles to investment in critical broadband infrastructure, and ultimately raise prices for consumers who reside in multifamily communities.

As both the MBC and NMHC point out in their filings, Article 52 runs counter to the FCC's policies encouraging broadband deployment, including those promoting facilities based competition and infrastructure investment, addressing local regulatory barriers to expanding broadband, and maintaining bulk billing arrangements for their pro-consumer benefits.

Further, as NMHC correctly notes, apartment companies are committed to competition and choice in providers serving their properties, as evidenced by the fact that most apartment communities are served by multiple communications service providers. The commitment to service standards is shared with providers that agree to deliver reliable, cost-effective, state-of-the-art, high quality services expected by residents. We ask the Commission to grant the Petition

for preemption in order to uphold and protect such partnerships that incentivize deployment and pro-consumer agreements.

As NMHC's comments explain, in many cases it can be challenging to incentivize provider investment in some of our properties—especially mixed-income communities or those serving residents with lower incomes. Not only does Article 52 do nothing to affirmatively address the digital divide or hold providers accountable for delivering service, it allows providers to pick and choose only the most lucrative opportunities. Article 52 also—for the benefit of a single resident—undermines partnerships between service providers and property owners that allow for a sufficiently predictable revenue stream to encourage infrastructure investments, maintenance, upgrades and high service quality for all residents.

We, and our industry as a whole, are facing increasing pressure to meet the booming demand for rental housing across the country, a trend experts believe will continue due to a host of factors including demographic changes and evolving consumer preferences. With that in mind, multifamily owners and developers must balance a wide array of concerns impacting project viability, of which broadband infrastructure deployment and maintenance costs are one.

Article 52 discourages investment by communications service providers and shifts costs to property owners, which will greatly increase project development and operations costs (and ultimately rents). This comes at a time when the entire multifamily industry as well as policymakers at all levels of government are striving tirelessly to address housing supply and affordability issues. More regulations, municipal mandates and zoning requirements further restrict development and increase costs, exacerbating market-driven rent increases. Many regulations are within the purview of state and local policymakers. Article 52, however, conflicts with federal policies and must be preempted.

For the reasons listed above and those outlined in MBC's and NMHC's filings, we urge the Commission to grant the Petition and preempt Article 52.

Respectfully,

AMLI Management Company

AvalonBay Communities, Inc.

Bell Partners, Inc.

Bridge Property Management

Cortland Partners, LLC

Equity Residential

Essex Portfolio, L.P., for Essex Property Trust its General Partner

Forest City

Gables Residential

GID

Greystar Real Estate Partners, LLC

Haley Real Estate Group

Hamilton Zanze Real Estate Investments

Holland Partner Group

Maximus Real Estate Partners

Mid-America Apartments, L.P.

Mill Creek Residential Trust

Morgan Properties

The Hanover Company

The Laramar Group

Trammel Crow Residential

UDR

Village Green

Waterton